

REMARKS

In the Office Action mailed August 20, 2007 as entered in the above-captioned matter, Claims 11-15 and 21-22 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 10, 11, 13, 16, 17, 21-30, and 36-39 were rejected under 35 U.S.C. §102(e) given Takahashi et al. (U.S. Publication No. 2004/0064520) (“Takahashi”). Claims 4-9, 12, 14, 15, 18-20, and 31-35 were rejected under 35 U.S.C. §103(a) given Takahashi. Claims 40 and 41 were rejected under 35 U.S.C. §103(a) given Takahashi in view of Bertrand et al. (U.S. Patent No. 6,876,640) (“Bertrand”). These rejections are respectfully traversed and reconsideration is requested.

Rejections Under 35 U.S.C. §112

Claims 11-15, 21, and 22 were rejected under 35 U.S.C. §112, second paragraph.

In Claims 11-15 the Examiner notes use of the expression “a first node” and “a node” and asks whether this is the “a node” first introduced in Claim 1. The answer to the Examiner’s question is, the subsequently referred-to node *can* be the same node as the one introduced in Claim 1 but is not *necessarily* the same node. Accordingly, and with that intent, the Applicant purposefully did not use “the” or “said” in order to preserve this interpretation. The Applicant respectfully submits that there is nothing in this approach that violates the second paragraph of §112. Though this speaks to breadth, there is nothing unduly vague about such an approach. The Applicant respectfully submits that Claims 11-15 are fully compliant with the limited stipulations of 35 U.S.C. §112, second paragraph.

The Examiner has also objected to the term “substantially” in Claim 21. In particular, the Examiner suggests that this is a relative term that renders the claim indefinite and bases this conclusion upon the word “substantially” not being specifically defined by the claim or the specification.

With all due respect, the Applicant submits that the term “substantially” is sufficiently definite to meet the limited requirements of 35 U.S.C. §112, second paragraph notwithstanding the lack of a specific corresponding definition in the claims or the specification. The Court of Appeals for the Federal Circuit has specifically ruled that “substantial,” while being relative, is not unduly ambiguous. In *Liquid Dynamics Corp. vs. Vaughn Co.*, 69 USPQ2d 1595 (CAFC 2004), the Court found the expression “substantial” to be meaningful and to comprise a modifier that implies “approximate” rather than “perfect.” This in fact is exactly the ordinary meaning intended by the Applicant in the present instance and is the meaning which the Applicant respectfully submits would be understood by anyone of ordinary skill in the art reviewing the specification and claims.

Accordingly, the Applicant respectfully submits that Claim 21 is not violative of 35 U.S.C. §112, second paragraph for its use of the word “substantially.”

Rejections Under 35 U.S.C. §102

Claims 1-3, 10, 11, 13, 16, 17, 21-30, and 36-39 were rejected under 35 U.S.C. §102(e) given Takahashi. Takahashi discloses a network identification information automatic management system and method. As noted by the Examiner, Takahashi makes some provision for potentially using an IP address that had been used in a previous IP session, which IP session had been halted. There are significant differences between Takahashi’s teachings and those of the present application, however.

Takahashi, for example, upon ceasing use of a particular IP address, returns that address to a DHCP server which then “manages the IP address as an unused one for assigning to other devices.”¹ With this in mind, and with general reference to Takahashi’s FIG. 3 and the corresponding text, once Takahashi terminates use of an IP address as just noted, Takahashi must then make a query regarding present availability of that IP address for use by the prior device as the address may no longer be available, having re-entered the pool of available assignable resources. This query action must be taken as the DHCP server may

¹ *Takahashi* at Paragraph 0035.

have already reassigned that IP address to another device, hence, rendering the address unavailable. In such a case, Takahashi then provides for assigning a new IP address to the device in question.

Contrary to Takahashi, the Applicant provides for *not* returning a previously used/assigned Internet Protocol session parameter to a pool of available temporary Internet Protocol addresses in order to retain such a parameter in certain availability against a need arising to reuse that parameter for a given node.

The distinctions then are clear. Upon halting a process, Takahashi terminates use of the IP address and returns it to a pool for reassignment to other nodes as needed. Upon receiving what amounts to a request to reuse that IP address, Takahashi must then determine whether the address is still available or has, in fact, been reassigned to another. The Applicant, meanwhile, upon concluding a session, retains a temporarily assigned Internet Protocol session parameter in a state where, although not being presented used, is nevertheless not yet returned to a pool of available parameters to be reassigned.

The independent claims well reflect this difference. In Claim 1, it is stated that one retrieves from memory at least one temporary Internet Protocol session parameter as corresponds to a node and as was recently previously assigned to the node and not then yet subsequently returned to a pool of available, temporary Internet Protocol session parameters. Takahashi does not do this.

Claim 1 then further provides for using that at least one temporary Internet Protocol session parameter to facilitate initiation of an Internet Protocol session with that same node. Again, Takahashi only makes an action similar to this upon determining that a parameter which had been previously returned to a pool of available parameters is nevertheless still available for such usage and assignment.

Essentially these same limitations now appear in amended Claim 16. The same points raised above are applicable here but will not be repeated for the sake of brevity. Claims 30-41 have been cancelled and are no longer presented for consideration.

The remaining Claims (4-15 and 18-29) are ultimately dependent upon one of the two independent claims shown to be allowable above. While the Applicant believes that

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Attorney Docket No. 7793/79264

other arguments are available to highlight the allowable subject matter presented in various of the dependent claims, the Applicant also believes that the comments set forth herein regarding allowability of the independent claims are sufficiently compelling to warrant present exclusion of such additional points for the sake of brevity and expedited consideration.

There being no other objections to or rejections of the claims, the Applicant respectfully submits that Claims 1, 4-16, and 18-29 may be passed to allowance.

Respectfully requested,

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